



# Public Notice

U.S. Army Corps of Engineers, Norfolk District

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April 8, 2005

CENAO-TS-G  
05-V0593

## FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

### APPLICANT

Kornblau Duke Investments  
Attn: Robert M. Attack  
4191 Innslake Road, Suite 118  
Glen Allen, VA 23060

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in the southern quadrant of the intersection of Mountain Road and Staples Mill Road (Rt. 33) in Henrico County, Virginia. The site drains to the northwest into Meredith Branch, which drains to the Chickahominy River, a tributary of the James River.

PROPOSED WORK AND PURPOSE: The applicant proposes to discharge fill material into open water and nontidal wetlands to construct a 10.5-acre residential subdivision. Approximately 0.476-acre of emergent wetlands, 0.005 acre of forested wetlands and 1.042 acres of open water would be impacted through project implementation. The project would result in the development of 33 single family homes to include lots with driveways, access roads and drainage servitudes. The proposed mitigation would consist of purchasing credits from the Virginia Habitats II Environmental Bank. Emergent wetlands would be mitigated for at a ratio of 1 to 1 and forested wetlands would be compensated for at a ratio of 2 to 1.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated and a permit from the Virginia Marine Resource Commission. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of

property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

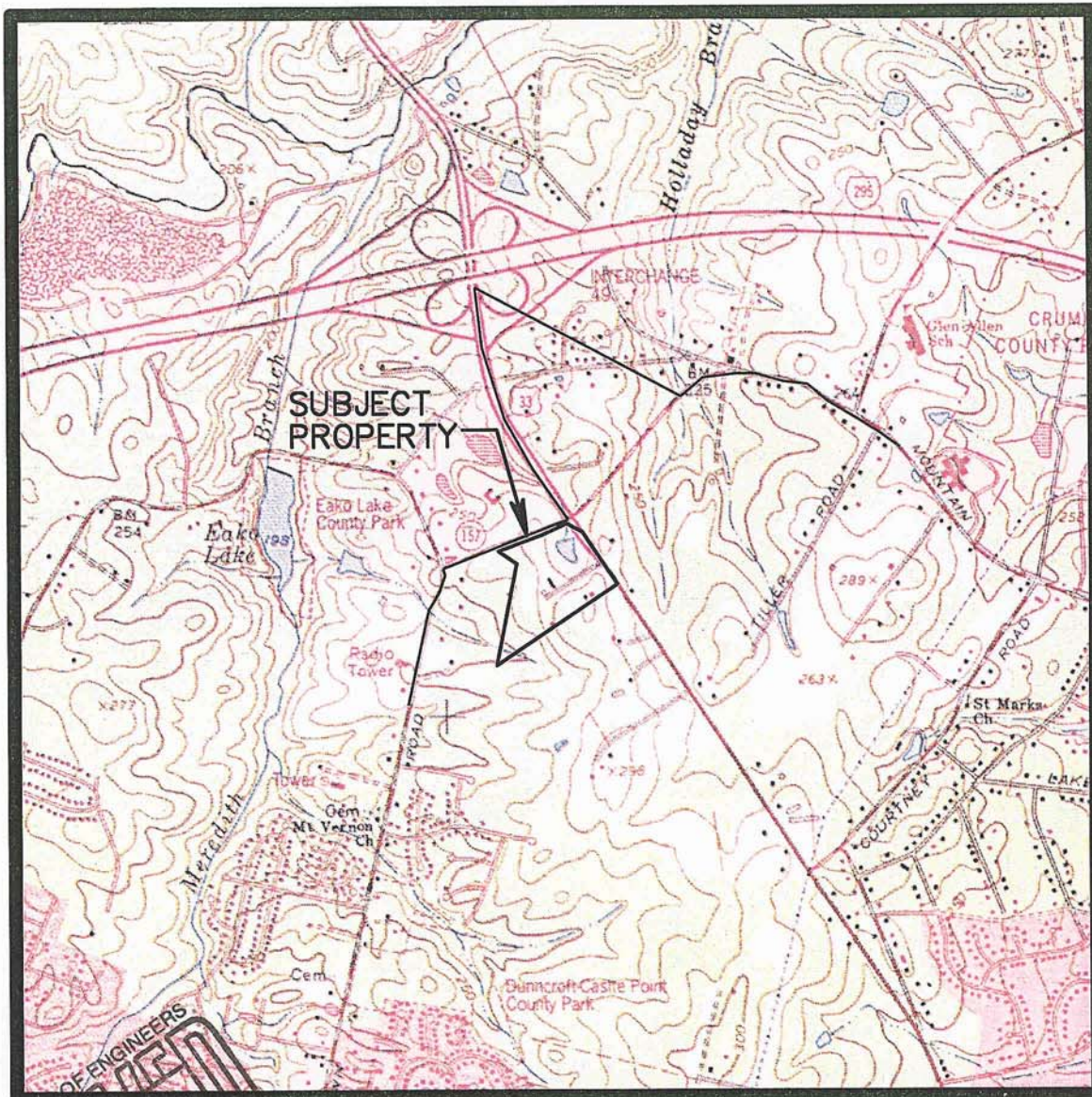
Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: [elirons@deq.state.va.us](mailto:elirons@deq.state.va.us).

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-TS-G), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on May 8, 2005.

If you have any questions about this project or the permit process, please call: Todd M. Miller (804) 323-3782

FOR THE DISTRICT ENGINEER:

Lynette R. Rhodes  
Chief, Southern Virginia  
Regulatory Section



US ARMY CORP OF ENGINEERS  
**RECEIVED**  
 MAR 10 2005  
 BY

U.S.G.S. 7.5 MINUTE SERIES QUADRANGLE  
 GLEN ALLEN, VA (1963, PHOTOREVISED 1994)  
 SCALE: 1" = 2000'



NOTE: ALL LOCATIONS ARE APPROXIMATE.

FIGURE 1  
 SITE LOCATION MAP  
 ATACK PROPERTIES  
 10.5 ACRES VILLAS AT SPRINGFIELD  
 HENRICO COUNTY, VIRGINIA

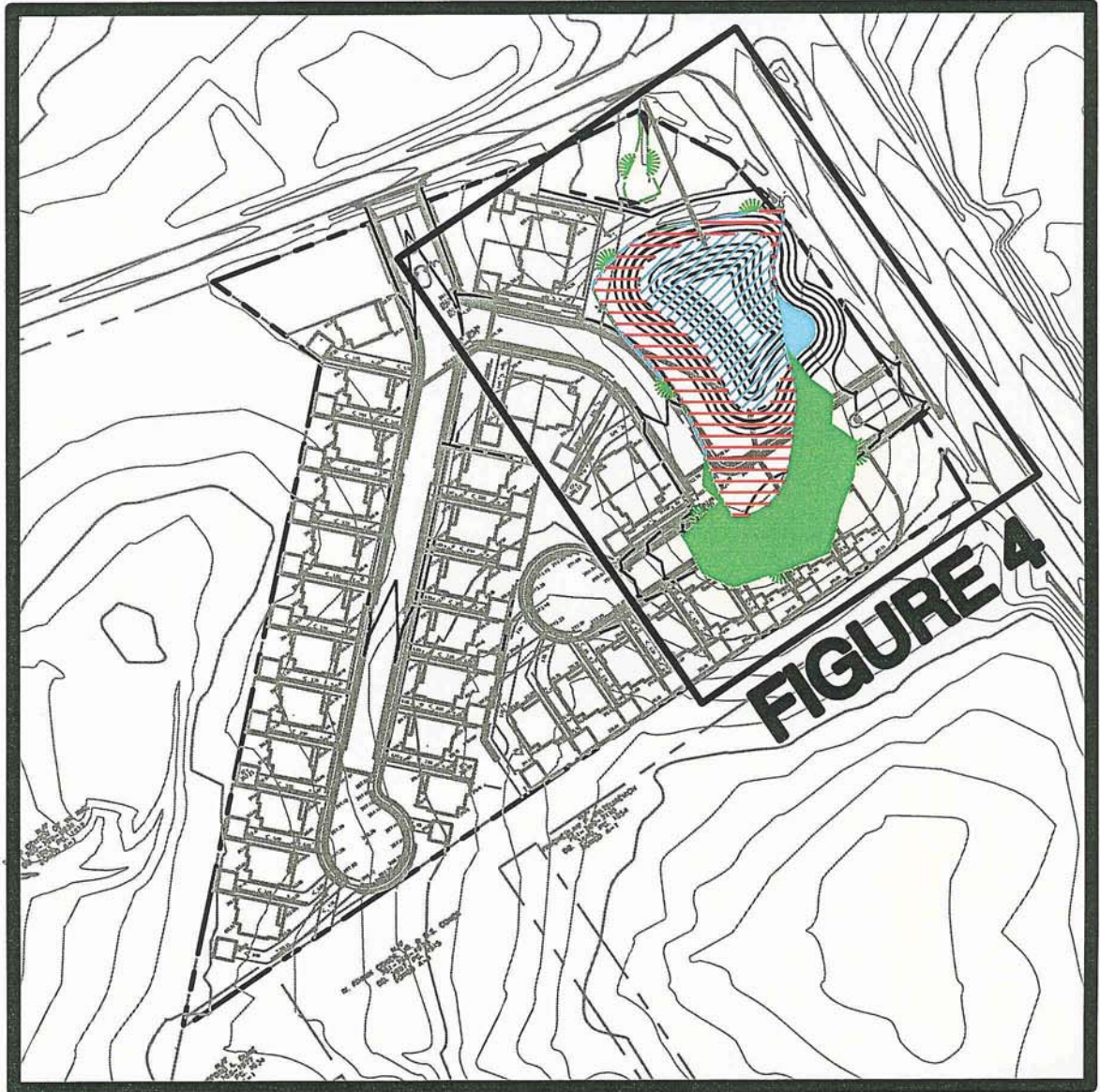


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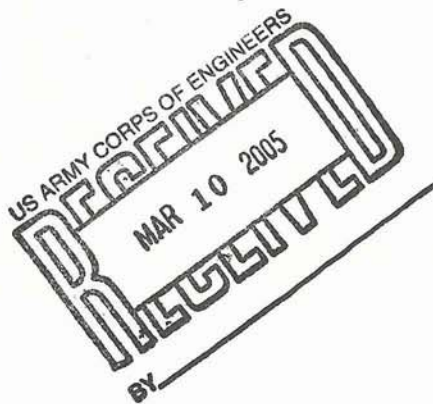
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SCALE: 1" = 200'



- PROJECT BOUNDARY
- WETLAND IMPACTS
- WATERS PERMANENT IMPACTS
- WATERS TEMPORARY IMPACTS
- CREATED WATERS

NOTE: ALL LOCATIONS ARE APPROXIMATE.

FIGURE 3  
ENLARGEMENT KEY  
ATAK PROPERTIES  
10.5 ACRES VILLAS AT SPRINGFIELD  
HENRICO COUNTY, VIRGINIA



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